



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-85,420-01**

**EX PARTE SONIA CACY, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. P-2037-B-83-CR IN THE 83rd DISTRICT COURT  
FROM PECOS COUNTY**

***Per curiam.* YEARY, J., filed a concurring opinion in which KELLER, P.J., joined. RICHARDSON, J., not participating.**

### OPINION

Pursuant to the provisions of Article 11.07 of the Texas Code of Criminal Procedure, the clerk of the trial court transmitted to this Court this application for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of murder and sentenced to ninety-nine years' imprisonment. The Eighth Court of Appeals affirmed her conviction in part and remanded the cause for a new punishment hearing. *Cacy v. State*, No. 08-93-00085-CR (Tex. App.—El Paso May 11, 1995) (not designated for publication). Applicant's conviction was subsequently affirmed. *Cacy v. State*, 08-96-00239-CR (Tex. App.—El Paso Mar. 19, 1998) (not designated for publication).

Applicant alleges, *inter alia*, that she is actually innocent of committing the offense in this case.

The trial court, after holding a live evidentiary hearing, recommends relief be granted. We agree, and find Applicant is entitled to relief on the basis of actual innocence. *Ex parte Elizondo*, 947 S.W.2d 202 (Tex. Crim. App. 1996).

Relief is granted. The judgment in Cause No. P-2037-B-83-CR in the 83rd District Court of Pecos County is set aside, and Applicant is remanded to the custody of the Sheriff of Pecos County to answer the charges as set out in the indictment. The trial court shall issue any necessary bench warrant within 10 days after the mandate of this Court issues.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice—Correctional Institutions Division and Pardons and Paroles Division.

Delivered: November 2, 2016  
Do not publish